

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion Not Established By Statute
DOI-BLM-UT-C021-2016-0013-CX**

October, 2015

**MARS BOYS LLC
FILM PERMIT
LUP UTU-91433**

Location: Wayne County, Utah

**T. 28 S., R. 9 E.,
sec. 3, S1/2SW1/4;
sec. 4, lots 3 and 4, SE1/4SW1/4, and SW1/4SE1/4;
sec. 9, lots 1-3 and 5-7, W1/2NE1/4, E1/2NW1/4, NE1/4SW1/4, and NW1/4SE1/4;
sec. 10;
sec. 11, SW1/4 and SW1/4SE1/4;
sec. 14, NW1/4NE1/4, S1/2NE1/4, and E1/2;
sec. 15;
sec. 22, N1/2 and NE1/4SW1/4;
sec. 23, NW1/4NE1/4 and N1/2NW1/4.**

Applicant/Address: I-25 Studios, South Offices
Jason F. Wetter, Assistant Location Manager
9201 Pan American Freeway NE
Albuquerque, NM 87113

Richfield Field Office
150 East 900 North
Richfield, Utah 84701
Phone: (435) 896-1500
Fax: (435) 896-1550



A. Background

BLM Office: Richfield Field Office

Lease/Serial/Case File No: UTU-91433

Proposed Action Title/Type: Mars Boys LLC Film Permit

Location of Proposed Action: Wayne County, Utah

T. 28 S., R. 9 E.,

sec. 3, S1/2SW1/4;

sec. 4, lots 3 and 4, SE1/4SW1/4, and SW1/4SE1/4;

sec. 9, lots 1-3 and 5-7, W1/2NE1/4, E1/2NW1/4, NE1/4SW1/4, and NW1/4SE1/4;

sec. 10;

sec. 11, SW1/4 and SW1/4SE1/4;

sec. 14, NW1/4NE1/4, S1/2NE1/4, and E1/2;

sec. 15;

sec. 22, N1/2 and NE1/4SW1/4;

sec. 23, NW1/4NE1/4 and N1/2NW1/4.

Mars Boys LLC, under the direction of Production Manager Kevin Holloran, has submitted a proposal to conduct filming of a NASA rover roaming the landscape in the Swing Arm City Open Area.

The proposal is for the applicant to film a NASA rover (modified dune buggy) from the ground and from the air as it drives over the landscape to simulate the surface of Mars. The drivers and the cameramen are all professionals and employed by Mars Boys LLC for the shoot. The production would require the use of 4 cameras, 25 smaller vehicles (vans/cars), 5 large vehicles (trucks) and/or a helicopter or drone.

The aerial filming would be done by Allied Drones Chaos from an X-8 configured, electric powered, multi-rotor unmanned aerial system (UAS) with a shot over mount/camera. Flight time on a set of fresh batteries is approximately 11 minutes. Battery change on the UAS is performed with the vehicle at rest and motors off. Aerial data collection and closed set motion picture filming will occur at or below 200 feet Above Ground Level (AGL). The UAS does not use or carry any combustible fuel. It is expected that there would be a total of 30 people on-site for the duration of filming.

There would be no props, explosives, or pyrotechnics used for this production.

It is proposed that the authorization be given for filming take place for two days between October 21, 2015 and October 22, 2015.

B. Land Use Plan Conformance

Land Use Plan Name: Richfield Field Office, Resource Management Plan
Date Approved/Amended: October 31, 2008

The proposed action is subject to the Richfield Field Office (RFO) Resource Management Plan (RMP), approved on October 31, 2008 and does not appear to conflict with any of the existing land use goals, objectives or decision in the RMP or significantly change or alter the way the affected public lands are presently managed. The proposed action, although not specifically addressed, is in conformance with the RMP because it is clearly consistent with the following RMP decision (Decision Record Page 31; and Goals and Objectives Table 18, Page 128), which states: "Provide effective public land management and to improve land use, productivity, and utility through the authorization of legitimate uses of public land by processing use authorizations such as rights-of-way, leases, permits, and state land selections in response to demonstrated public needs; and assist in orderly resource management through processing special land designations and rights-of-way corridor designations."

Because the proposed action is consistent with existing land use decisions and with Bureau of Land Management policies, regulations, and decisions, it is considered to be in conformance with the existing RFO RMP.

C. Compliance with NEPA

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 E (19). This reference states, "Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition".

This categorical exclusion is appropriate because there are no extraordinary circumstances that may significantly affect the environment. None of the extraordinary circumstances described in 43 CFR Part 46.215 applies.

D: Signature

Authorizing Official: Wayne A. Wetzel Date: 14 Oct 2014
Wayne A. Wetzel
Field Office Manager

Contact Person

For additional information concerning this CX review, contact:
Mike Utley, Richfield Field Office (435) 896-1515

Appendix E
Cultural Resource Site Etiquette

Bureau of Land Management Richfield Field Office

Cultural Resource Site Etiquette
For
Outfitters and Guides Operating on
The Richfield Field Office

Cultural resource sites are a non-renewable resource. That is, once a historic, prehistoric, or traditional Native American site has been lost due to intentional or unintentional destruction, it cannot be replaced. Similarly, any disturbance to cultural resource sites can seriously affect our ability to understand the site and to provide an accurate interpretation of the site, its history, age, and function. Following basic cultural resources etiquette will insure that cultural sites still exist in the future in an undisturbed condition, so that they may be enjoyed by future generations of scientists, cultural practitioners, and the interested public.

Artifacts found at sites must be left on the site, in the locations at which they were found, that is in context. Not only is the presence of the artifacts important, but where these artifacts are found on the site provides critical information for scientists. In the same way that a book with re-arranged pages, or missing a series of pages, will be hard or impossible to understand, an archaeological site missing artifacts will be difficult to accurately interpret. Features such as middens (prehistoric trash dumps), upright sandstone slabs, and the walls of historic and prehistoric structures are easily impacted, and walking over or climbing on such features will almost certainly damage them. Rock art should never be touched as oils and acids from fingers damage both petroglyphs and pictographs, and can seriously compromise potential dating. Fires built on or near archaeological sites introduce modern charcoal, making it difficult or impossible to identify an accurate age of the site. Damage to archaeological sites and rock art is also disrespectful to Native Americans who have historical or ancestral ties to archaeological sites. Native Americans are interested in preserving their heritage in much the same way the general public is interested in preserving historical buildings. The removal of artifacts, digging, damaging rock art, or other vandalism is also against Federal law.

In summary, basic rules governing the visitation or discovery of cultural sites include:

1. Do not touch any rock art.
2. Do not remove or alter the location of artifacts (feel free to look, but return them to the exact location where you found them)
3. Do not walk on or damage site features such as standing architecture, rock alignments, middens, or other features that would suffer from physical contact.
4. Do not drive across sites with mechanized vehicles, such as cars, trucks, OHVs, or bicycles, and avoid riding livestock across or through sites whenever possible.
5. Leave the site in the same condition as you found it.
6. Pets in sites can cause irreparable damage through digging or using the site as a toilet.

Please feel free to observe the sites and artifacts. Take photographs, draw pictures, try to figure out who used the site and when. Most people are interested in such things, and your clients will enjoy learning about the history and prehistory of this area. By not disturbing these sites, and educating your clients about cultural resource etiquette, these sites will be part of a fun and educational experience now and in the future. You are leading clients through this part of the country because you know and appreciate its beauty, and are passing that appreciation along. Cultural sites are an important part of the history of this area, and you should be equally proud of this part of the landscape as you are of the canyons, cliffs, wildlife, and scenery.

Updated and reviewed 2015

Categorical Exclusion Review Record Exclusion Review Record (Richfield)

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	Mark Dean	10/5/2015
Areas of Critical Environmental Concern	No	Myron Jeffs	10/7/2015
Cultural Resources	No (make sure filmmakers get copy of site etiquette form)	Lauren Kingston	10/13/15
Environmental Justice	No	Michael B. Utley	9/22//2015
Farm Lands (prime or unique)	No	Brant Hallows	10/5/15
Floodplains	No	Brant Hallows	10/5/15
Invasive Species/Noxious Weeds	No	Brant Hallows	10/5/15
Migratory Birds	No	Dave Cook	10/6/2015
Native American Religious Concerns	No	Lauren Kingston	10/13/15
Threatened, Endangered, or Candidate Plant Species	No	Dave Cook	10/6/2015
Threatened, Endangered, or Candidate Animal Species	No	Dave Cook	10/6/2015
Wastes (hazardous or solid)	No	Stan Andersen	10/5/2015
Water Quality (drinking or ground)	No	Mark Dean	10/5/2015
Wetlands / Riparian Zones	No	Mark Dean	10/5/2015
Wild and Scenic Rivers	No	Myron Jeffs	10/7/2015
Wilderness	No	Myron Jeffs	10/7/2015
Other:			

*Extraordinary Circumstances apply.

Environmental Coordinator



Date:

10/14/2015

Extraordinary Circumstance to Categorical Exclusions
Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No <div style="text-align: center;">X</div>	Rationale: The applicant will take necessary transportation department identified precautions while working next to the highway. To keep impacts to a minimum and not impair public health or safety, the Applicant would obtain, maintain and abide by all relevant federal, state and local government requirements.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Yes	No <div style="text-align: center;">X</div>	Rationale: All filming activities would be confined to within the described area. A Land Use Plan Conformance and Categorical Exclusion Review Record (LUPC&CERR) has been completed indicating none of the above concerns are present in the described area and that significant impacts are not expected (See LUPC&CERR).
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No <div style="text-align: center;">X</div>	Rationale: As described, the proposed action is categorically excluded under 11.9E (12). Categorically excluded actions generally have very predictable consequences well established as insignificant and, therefore, would not create environmental effects that would create controversy or involve unresolved conflicts concerning alternative uses of available resources (See LUPC&CERR).
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No <div style="text-align: center;">X</div>	Rationale: Categorically excluded actions generally have very predictable consequences that are well established as insignificant. As stated above, this proposal is categorically excluded under 11.9E (12). No additional facilities or surface disturbances are requested.
5. Establish a precedent for future action or represent a decision in principal about future actions		

Extraordinary Circumstances		
with potentially significant environmental effects.		
Yes	No	Rationale: As described, the proposed action is a 'stand alone' action and is not connected to another action that would require further environmental analysis; nor would it set a precedent for future actions that would normally require environmental analysis.
	X	
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No	Rationale: The proposal is specific to LUP UTU-91433, and would not have a direct relationship to other actions that would create cumulatively significant environmental effects.
	X	
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No	Rationale: The proposed action is to issue LUP UTU-91433. Filming activities would be confined to the described areas. An LUPC&CERR have been completed and indicate that significant impacts are not expected (See LUPC&CERR).
	X	
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes	No	Rationale: Surveys were completed for the area and no T&EC species are present. No critical habitat is present in the area. See file for details.
	X	
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No	Rationale: An appropriate review of tribal law and requirements imposed for the protection of the environment has occurred indicating that the law would not be violated (See LUPC&CERR). The Applicant would be required to maintain and abide by all relevant federal, state and local government permits associated with LUP UTU-91433.
	X	
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No	Rationale: The proposal is issuance of LUP UTU-91433, specific to the Applicant's described commercial filming activities. The proposed action, therefore, is not anticipated to have a disproportionately high or adverse effect on low income or minority populations.
	X	
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		

Extraordinary Circumstances		
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Yes	No X	Rationale: No effect (See LUPC&CERR).
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12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

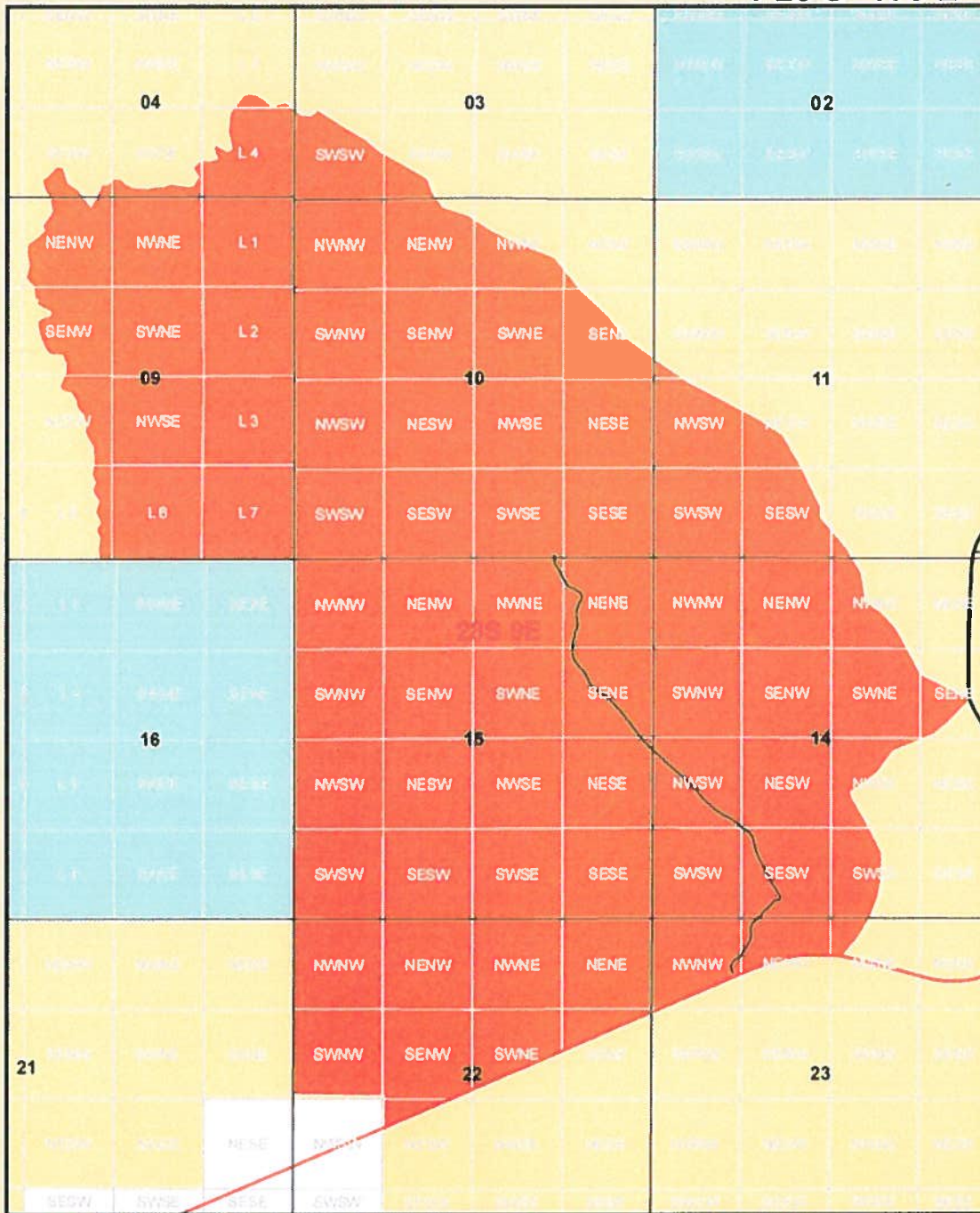
Yes	No X	Rationale: This proposal would not be expected to contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.
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MAP

UTU-91433

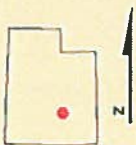
T 28 S - R 9 E

BLM



Legend

- Public Land
- State Land
- Private Land
- National Forest
- National Park



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Bureau of Land Management**

**Decision Document
Categorical Exclusion Not Established By Statute
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**DECISION DOCUMENT
NOT ESTABLISHED BY STATUTE
DECISION DOCUMENT
DOI-BLM-UT-C021-2016-0013-CX**

Decision

It is my decision to implement the action described in Categorical Exclusion **DOI-BLM-UT-C021-2016-0013-CX**.

Mars Boys LLC will be issued a land use permit (LUP) for October 21st – October 22nd, 2015. The permit gives Mars Boys LLC the right to commercially film a NASA rover (modified dune buggy) from the ground and from the air as it drives over the landscape to simulate the surface of Mars. These activities will take place in the Swing Arm City Open Area within the given legal description.

Since the proposed action is consistent with existing land use decisions and with Bureau of Land Management policies, regulations, and decisions, it is considered to be in conformance with the Richfield Field Office Resource Management Plan.

Rationale for the Decision

I have reviewed the categorical exclusion documentation, including plan conformance, NEPA compliance, and potential extraordinary circumstances, and have determined that the action involves no significant impact to the human environment and no further analysis is required.

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 E (19). This reference states, "Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition".

This categorical exclusion is appropriate because there are no extraordinary circumstances that may significantly affect the environment. None of the extraordinary circumstances described in 43 CFR Part 46.215 applies.

Administrative Review and Appeal

In accordance with 43 CFR 2804.1(a), this decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. If an appeal is taken, your notice of appeal must be filed with the Bureau of Land Management, Utah Field Office, 150 East 900 North, Richfield, Utah 84701, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals (801 North Quincy St., Suite 300, Arlington, Virginia, 22203) and to the appropriate office of the Solicitor (Field Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah, 84138-1180 (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

The petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Authorizing Official

Authorizing Official: _____


Wayne A. Wetzel
Field Office Manager

Date: _____

14 Oct 2015